



KENTUCKY BOARD OF PHYSICAL THERAPY

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Governor

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Rebecca E. Klusch
Executive Director

MINUTES OF MEETING March 18, 2010

Board Members Present: Peggy Block, PT, Chair
Ron Barbato, PT
Margaret Blain, PT
Charles Clark, PT
Janice Kuperstein, PT
Troy Grubb, PT
Virginia Johnson, Public Member

Board Staff: Rebecca E. Klusch, Executive Director

Board Agents: Mark Brengelman, Assistant Attorney General, Board Counsel
Brian Fingerson, RPh, IPTPC Program Administrator

A meeting of the Kentucky Board of Physical Therapy, Complaint Committee, was called to order at 3:00 p.m., Wednesday, March 17, 2010, at Board Office. Motion was made by Troy Grubb to go into closed session per KRS 61.810(1) (c) and (j), seconded by Peggy Block. Motion carried. Motion was made by Peggy Block to come out of closed session, seconded by Troy Grubb. Motion carried. The committee meeting adjourned at 6:30 p.m.

A meeting of the Kentucky Board of Physical Therapy, Complaint Committee, was called to order at 6:30 p.m., Wednesday, March 17, 2010, at Board Office. Motion was made by Ron Barbato to go into closed session per KRS 61.810(1) (c) and (j), seconded by Troy Grubb. Motion carried. Motion was made by Ron Barbato to come out of closed session, seconded by Troy Grubb. Motion carried. The committee meeting adjourned at 8:15 p.m.

A meeting of the Kentucky Board of Physical Therapy was called to order by Board Chair, Peggy Block, at 9:20 a.m., Thursday, March 18, 2010, at the Board office. A quorum was present.

Motion was made by Janice Kuperstein, seconded by Virginia Johnson to approve the minutes as amended of the January 21, 2010, Board Meeting and the February 24, 2010, Special Board meeting. Motion carried.

Complaint Committee

C2007-08 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to file a Notice of Administrative Hearing and Order for a violation of KRS 327. Board approved the recommendation, seconded by Virginia Johnson. Motion carried. Complaint Committee members Ron Barbato and Troy Grubb recused from voting.

C2008-07 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to file a Notice of Administrative Hearing and Order. Settlement Authority was

given to Board Counsel. Board approved the recommendation, seconded by Peggy Block. Motion carried. Complaint Committee members Ron Barbato and Troy Grubb recused from voting.

BIC2008-19 Lawrence Tatem. PT, appeared before the Board to meet the requirement of the Settlement Agreement.

C009-23 Amy Farmer, PT, appeared before the Board to meet the requirement of the Settlement Agreement. The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to accept the signed Settlement Agreement from Amy Farmer, PT. Board approved the recommendation, seconded by Chuck Clark. Motion carried. Complaint Committee members Ron Barbato and Troy Grubb recused from voting.

C2009-24 Case is ongoing.

BIC2009-25 A Notice of Administrative Hearing and Order has been filed. The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to give Settlement Authority to Board Counsel. Board approved the recommendation, seconded by Virginia Johnson. Motion carried. Complaint Committee members Ron Barbato and Troy Grubb recused from voting.

BIC2009-87 Case is ongoing.

BIC2009-89 A Notice of Administrative Hearing and Order has been filed. The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to give Settlement Authority to Board Counsel. Board approved the recommendation, seconded by Virginia Johnson. Motion carried. Complaint Committee members Ron Barbato and Troy Grubb recused from voting.

C2009-90 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to close case due to insufficient evidence of a violation of KRS 327. Board approved the recommendation, seconded by Margaret Blain. Motion carried. Complaint Committee members Ron Barbato and Troy Grubb recused from voting.

C2009-93 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to close case due to insufficient evidence of a violation of KRS 327. Board approved the recommendation, seconded by Chuck Clark. Motion carried. Complaint Committee members Ron Barbato and Troy Grubb recused from voting.

BIC2009-94 Case is ongoing.

C2010-01 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to close case due to insufficient evidence of a violation of KRS 327. Board approved the recommendation, seconded by Ron Barbato. Motion carried. Complaint Committee members Peggy Block and Troy Grubb recused from voting.

C2010-03 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to open an investigation and Order a drug screen. Board approved the recommendation, seconded by Ron Barbato. Motion carried. Complaint Committee members Peggy Block and Troy Grubb recused from voting.

C2010-04 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to issue an Immediate Temporary Suspension and Order and a subsequent assessment by a Psychologist or Psychiatrist for further evaluation. Investigation of possible violation of KRS 327 is ongoing. Board approved the recommendation, seconded by Janice Kuperstein. Motion carried. Complaint Committee members Peggy Block and Troy Grubb recused from voting.

BIC20010-05 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to close case due to insufficient evidence of a violation of KRS 327 and issue a license. Board approved the recommendation, seconded by Chuck Clark. Motion carried. Complaint Committee members Peggy Block and Troy Grubb recused from voting.

C2010-06 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to open an investigation. Board approved the recommendation, seconded by Margaret Blain. Motion carried. Complaint Committee members Peggy Block and Troy Grubb recused from voting.

C2010-07 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to open an investigation. Board approved the recommendation, seconded by Margaret Blain. Motion carried. Complaint Committee members Peggy Block and Troy Grubb recused from voting.

C2010-08 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to open an investigation. Board approved the recommendation, seconded by Ron Barbato. Motion carried. Complaint Committee members Peggy Block and Troy Grubb recused from voting.

The Board reviewed with approval the IPTPC report submitted by Brian Fingerson.

Update on Monitoring Probations

Update on monitoring probations was given for the following with approval: April Coldiron, PT; James Rick Roe, PT; Ron Cole, PT; Mary Beth Barcus, PT, Malton Schexneider, PT, and Lawrence Tatem, PT.

April Coldiron sent a request in writing asking the Board for relief of her second year of probation. A motion was made by Janice Kuperstein, seconded by Troy Grubb, to accept her request. Motion carried.

A motion was made by Virginia Johnson, seconded by Margaret Blain, to send a warning letter to Malton Schexneider informing him that he is not in compliance with his Settlement Agreement. Motion carried. Chuck Clark and Troy Grubb recused from voting.

A motion was made by Virginia Johnson, seconded by Margaret Blain, to send a warning letter to Ron Cole informing him that he is not in compliance with his Settlement Agreement. Motion carried. Motion carried. Troy Grubb recused from voting.

A motion was made by Troy Grubb, seconded by Chuck Clark, to assign Ron Barbato as monitor for Lawrence Tatem. Motion carried.

A motion was made by Janice Kuperstein, seconded by Virginia Johnson, to assign Margaret Blain as monitor for Amy Farmer. Motion carried.

Tracey Hutchins Miles, P.T. sent a written request to allow additional time for payment of the fine assesses in the Settlement Agreement dated September 17, 2009. A motion was made by Ron Barbato, seconded by Margaret Blain, to authorize the Executive Director to arrange an appropriate payment schedule for payment of fine. Motion carried.

The Board reviewed a written letter from Scott Tincher requesting that his name be blacked out on the Board's September 2002 Newsletter for a Cease and Desist violation of KRS 327.020. Board counsel advised the Board that the Newsletter is a permanent public document.

Board and Administrative Business

Jennifer Stocker asked whether a physical therapist can provide instruction of sensory integration techniques. The Board determined the physical therapist may provide these techniques if the physical therapist is competent and trained in sensory integration techniques.

The Board reviewed an email from Paula Goff, First Steps Part C Coordinator, on concerns physical therapists have in the evaluation process.

Kelly Egan, PT, asked whether adjusting oxygen is within the scope of practice of a physical therapist. The Board determines that adjusting oxygen levels is within the scope of practice.

Sharon Stanley, PT, was concerned about writing discharge summaries by using electronic charting in an Acute Care facility. KRS 327 requires discharge of a patient within thirty days. Any logistic obstacles are the responsibility of the facility. The Opinion on Discharge Summaries will be sent to Ms. Stanley.

The Board revisited the use of physical therapy supportive personnel and will collaborate with the Kentucky Physical Therapy Association to become more in line with the APTA's resource guide to governing the role of support personnel.

The PT is responsible for the revision of Plan of Care. The PTA may take a verbal but the physical therapist shall revise the plan of care in writing in a timely manner.

A motion was made by Janice Kuperstein, seconded by Troy Grubb to accept the revised Declaratory Opinions on OASIS and Dry Needling. Motion carried.

A motion was made by Ron Barbato, seconded by Chuck Clark, to approve the amended changes to 201 KAR 22:020, 201 KAR 22.045 and 201 KAR 22:135. Motion Carried.

A motion was made by Janice Kuperstein, seconded by Ron Barbato, to hold the Board meetings as follows: May 19-20 University of Kentucky Wethngton Building; July 21-22 Buckhorn Lake State Resort Park; September 15-16 Pennyrile Forest State Park; and November 17-18 St. Elizabeth's Hospital in Edgewood. Three credits in Category 1 will be awarded to the licensees attending the evening session, Two credits in Category 2 will be awarded to the licensees attending the Board meeting morning session and the afternoon session. Motion carried

Janice Kuperstein was appointed as chair-elect and will rotate onto the complaint committee January 1, 2011.

Other Board Matters

Mark Brengelman and Becky Klusch attended the FARB Annual Forum in Las Vegas, NV, January 29-31, 2010. A report was submitted by Mark Brengelman.

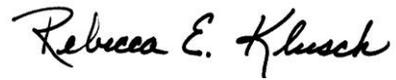
A motion was made by Virginia Johnson, seconded by Chuck Clark, to send Janice Kuperstein as Delegate, Peggy Block, Troy Grubb and Ron Barbato as an Alternate Delegates, Becky Klusch as Administrator and Troy Grubb to the FSBPT Annual meeting October 14-17 in Denver, Colorado. Motion carried.

Board members reviewed the lists of persons issued a license, certificate as well as examinees and reinstatements since the last meeting. Lists are attached to these minutes.

The Board reviewed the financial statement ending February 28, 2010.

A motion was made by Ron Barbato, seconded by Troy Grubb to adjourn the meeting at 5:30 p.m. Motion carried.

Respectfully submitted,

A handwritten signature in black ink that reads "Rebecca E. Klusch". The signature is written in a cursive, flowing style.

Rebecca E. Klusch
Executive Director